

Historic, archived document

Do not assume content reflects current
scientific knowledge, policies, or practices.

AUGUST 27, 1943

WAR FOOD ADMINISTRATION

OCT 16 1943

U. S. DEPARTMENT OF AGRICULTURE

[FDO 77]

PART 1405—FRUITS AND VEGETABLES

DRY ONIONS

The fulfillment of requirements for the defense of the United States will result in a shortage in the supply of dry onions for defense and private account; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 1405.22 *Restrictions on the shipment of dry onions*—(a) *Definitions*. When used in this order, unless otherwise distinctly expressed or manifestly incompatible with the intent hereof;

(1) The term “dry onions” means all onions except onion sets and onions with green tops.

(2) The term “dehydrator” means any person who produces dried onions by artificially produced heat under controlled conditions of humidity, temperature, and air flow, or by drying onions under reduced pressure (“vacuum”), where the factors of humidity and air flow are not controlled.

(3) The term “ship” means to convey dry onions, or cause dry onions to be conveyed (except as a common carrier of dry onions owned by another person) from a point within the States of California, Colorado, Idaho, Indiana, Michigan, Minnesota, New York, Nevada, North Dakota, Oregon, Utah and Washington, or such other States as the Director may hereafter designate, to any other point either within or without said States.

(4) The term “common storage” means storage space which has no facilities for refrigeration, and which is within 25 miles of the locality where the onions to be stored therein have been grown.

(5) The term “Director” means the Director of Food Distribution, War Food Administration.

(6) The term “person” means an individual, partnership, association, business trust, corporation, or any organized group of persons, whether incorporated or not.

(7) The term “governmental agency” means (i) the Armed Services of the United States; (ii) the Food Distribution Administration, War Food Administration; (iii) the War Shipping Administration; (iv) the Veterans Administration; and (v) any other instrumentality or agency designated by the War Food Administrator. The term “governmental agency” also includes any contract school or ship operator, as defined in

Food Distribution Regulation 2 (8 F.R. 7523), purchasing dry onions in accordance with said Food Distribution Regulation 2.

(8) The term “Armed Services of the United States” means the Army, the Navy, the Marine Corps, or the Coast Guard of the United States.

(b) *Restrictions*. (1) No person shall ship a quantity of dry onions in excess of 100 pounds and no person shall accept delivery of a quantity of dry onions in excess of 100 pounds unless the shipper thereof has obtained a permit to ship such onions from the Regional Director (or any employee of the United States Department of Agriculture designated by such Regional Director), War Food Administration, serving the area (8 F.R. 9315) in which the person affected by this order resides or does business: *Provided*, That any person who shipped onions into common storage during the calendar year 1942 may, during the period from August 27, 1943, to October 31, 1943, inclusive, ship dry onions into common storage without first obtaining a permit from the Regional Director.

(2) The respective Regional Director (or any employee of the United States Department of Agriculture designated by such Regional Director), upon the application of the shipper, (i) shall issue a permit to ship dry onions which have been sold to a dehydrator for use by such dehydrator in the fulfillment of an existing contract with a governmental agency, (ii) shall issue a permit to ship dry onions which have been sold to a governmental agency, and have been packed and graded pursuant to the requirements of such governmental agency, and (iii) may issue a permit to ship dry onions if he deems it necessary or desirable in order to fulfill essential civilian needs, for seed purposes, or to prevent the spoilage of such dry onions.

(c) *Audits and inspections*. The Director shall be entitled to make such audit or inspection of the books, records and other writings, premises or stocks of dry onions of any person, and to make such investigations, as may be necessary or appropriate, in his discretion, to the enforcement or administration of the provisions of this order.

(d) *Records and reports*. (1) The Director shall be entitled to obtain such information from, and require such reports and the keeping of such records by, any person, as may be necessary or appropriate, in his discretion, to the enforcement or administration of the provisions of this order.

(2) Every person subject to this order shall, for at least two years (or for such period of time as the Director may designate), maintain an accurate record of his transactions in dry onions.

(3) The record-keeping requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942. Subsequent record-keeping or reporting requirements will be subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(e) *Petition for relief from hardship*. Any person affected by this order, who considers that compliance herewith would work an exceptional and unreasonable hardship on him, may file a petition for relief with the Regional Director, War Food Administration, serving the area (8 F.R. 9315) in which the person affected by the order resides or does business. Petitions for such relief shall be in writing, and shall set forth all pertinent facts and the nature of the relief sought. If such person is dissatisfied with the action taken on the petition by the Regional Director, he may, by requesting the Regional Director therefor, secure a review of such action by the Director. The Director may, after such review, take such action as he deems appropriate, and such action shall be final.

(f) *Violations*. The War Food Administrator may, by suspension order, prohibit any person who violates any provision of this order from receiving, making any deliveries of, or using onions, or any other material subject to priority or allocation control by the War Food Administrator, and may recommend that any such person be prohibited from receiving, making any deliveries of, or using materials subject to the priority or allocation control of other governmental agencies. In addition, any person who wilfully violates any provision of this order is guilty of a crime and may be prosecuted under any and all applicable laws. Further, civil action may be instituted to enforce any liability or duty created by, or to enjoin any violation of, any provision of this order.

(g) *Delegation of authority*. The administration of this order and the powers vested in the War Food Administrator, insofar as such powers relate to the administration of this order, are hereby delegated to the Director. The Director is authorized to redelegate to any employee of the United States Department of Agriculture any or all of the authority vested in him by this order.

(h) *Communications.* All reports required to be filed hereunder and all communications concerning this order shall, unless instructions to the contrary are issued by the Director, be addressed to the Regional Director, War Food Admin-

istration, serving the area (8 F.R. 9315) in which the person affected by this order resides or does business.

(i) *Effective date.* This order shall become effective 12:01 a. m., e. w. t., August 31, 1943.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423)

Issued this 27th day of August 1943.

MARVIN JONES,
War Food Administrator.

Press Release, Immediate:
Saturday, August 28, 1943

Onion shippers in 12 western and northern States will be required beginning August 31 to obtain permits before making any shipment of dry onions in excess of 100 pounds except for nearby storage, the War Food Administration said today. The States are California, Washington, Oregon, Utah, Nevada, Idaho, Colorado, Minnesota, North Dakota, Michigan, Indiana, and New York, in which approximately 90 percent of the late onion crop is produced.

This control over shipments, contained in Food Distribution Order 77, will permit

the Government to procure onions to meet war needs at the same time that civilian supplies are marketed. With the prospective onion crop short in relation to the large demand, such control is considered necessary to assure that war requirements for both fresh and dehydrated onions will be met.

Producers and shippers may move onions into common storages not equipped with refrigeration facilities and within a range of 25 miles where the onions were grown, if they did so last year, without obtaining a shipping permit. Any other shipment, by truck or rail, must be authorized by a specific permit.

Issuance of permits will be handled by the regional offices of the Food Distribution Administration. Location of local offices in producing regions will be announced shortly by regional FDA offices.

The late onion crop is expected to total about 12 million bags (100 lb.) which is slightly above average, but demand is far above average. Nearly one-fourth of the crop will be required to meet direct war needs.

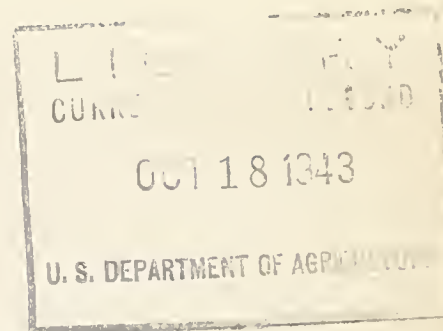
A similar shipping permit program was in effect last spring in various potato-producing states to enable the Armed Forces to obtain needed supplies of potatoes.

1337

FDO 77

AMDT. 1

SEPTEMBER 18, 1943



WAR FOOD ADMINISTRATION

[FDO 77, Amdt. 1]

PART 1405—FRUITS AND VEGETABLES

DRY ONIONS

Food Distribution Order No. 77 issued by the War Food Administrator on the 27th day of August 1943 (8 F.R. 11839), § 1405.22, is amended as follows:

1. By deleting therefrom the provisions in paragraph (a) (4) of said order and inserting in lieu thereof the following:

(4) The term "storage" means storage space within 25 miles of the locality where the onions to be stored therein have been grown.

2. By deleting the word "common" from paragraph (b) (1) wherever said word appears therein.

With respect to violations, rights accrued, or liabilities incurred prior to the effective date of this amendment, Food Distribution Order No. 77 shall be deemed to be in full force and effect for the pur-

pose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, or liability.

This order shall become effective at 12:01 a. m., e. w. t., September 23, 1943.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423)

Issued this 18th day of September 1943.

GROVER B. HILL,
Acting War Food Administrator.

Press Release, Immediate:
Monday, September 20, 1943

Producers and shippers in the 12 States where onion shipments are controlled under a permit program will be allowed, effective September 23, to move their onions into any type of storage

within a radius of 25 miles without obtaining a permit, if they did so last year under an amendment to Food Distribution Order 77, according to the War Food Administration.

Previously, these shippers, could move their onions only into common storages

without refrigeration facilities. Under the amendment, all restrictions as to the types of onion storages are removed.

The 12 States are California, Washington, Oregon, Utah, Nevada, Idaho, Colorado, Minnesota, North Dakota, Michigan, Indiana, and New York.

